IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RODRIQUEZ DWAY:	NE MASHORE,)	
	Plaintiff,)	
V.)	1:24-cv-420
SGT. JASON JAG	GER NAVES,)	1:24-00-420
	Defendant.)	

ORDER

The matter is before this court for review of the Recommendation ("Recommendation") filed on April 24, 2025, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 43.) In the Recommendation, the Magistrate Judge recommends that Sergeant Naves's Partial Motion for Judgment on the Pleadings be granted, and that the official capacity claims be dismissed without prejudice, so that the case will proceed to summary judgment only on Plaintiff's claims against Sergeant Naves in his individual capacity. The Recommendation was served on Plaintiff in this action on April 24, 2025. (Doc. 44.) Plaintiff timely filed objections, (Doc. 49), to the Recommendation.

This court is required to "make a <u>de novo</u> determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is

made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which the objections were made and has made a de-novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. To the extent Plaintiff has filed a Motion to Amend, (Doc. 50), that Motion will be referred to the Magistrate Judge for initial review.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 43), is ADOPTED. IT IS FURTHER ORDERED that Defendant Sergeant Naves's Partial Motion for Judgment on the Pleadings, (Doc. 15), is GRANTED and Plaintiff's official capacity claims are hereby DISMISSED. Plaintiff's individual capacity claims against Sergeant Naves are still proceeding, and any issues regarding those claims shall be considered after the close of discovery on motions for summary judgment.

This the 17th day of June, 2025.

United States District Judge